

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

CARROLL RAY LYNN, JR,	§	
TDCJ-CID #618868	§	
Petitioner,	§	
V.	§	C.A. NO. C-07-411
	§	
NATHANIEL QUARTERMAN,	§	
Respondent.	§	

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Ramsey Unit in Rosharon, Texas (D.E. 1). Petitioner states he was convicted of murder and sentenced to serve thirty years on September 23, 1991, in the 275th District Court of Hidalgo County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Brazoria County in the Galveston Division of the Southern District of Texas, 28 U.S.C. § 124(b)(1), and he was convicted by a court located in Hidalgo County in the McAllen Division of the Southern District of Texas. 28 U.S.C. § 124(b)(7).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Hidalgo

County, it is more convenient for the action to be handled in the McAllen Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the McAllen Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, McAllen Division. All pending motions are denied as moot and subject to renewal after the case is transferred.

ORDERED this 29th day of October, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE